

Statement by Representative Barbara Cubin
before the House Resources Subcommittee on
National Parks, Recreation, and Public Lands
Hearing on HR 3258,
the Reasonable Rights-of-Way Fees Act

Thank you Mr. Chairman for scheduling H.R. 3258 for a hearing today. I appreciate your work and interest in this issue.

I know that you have been an advocate for fair and reasonable federal land rights-of-way fees and for that I'm very pleased to be working with you and greatly appreciate your support for and cosponsoring of the bill.

This nation's system of roadways and railways were borne of effective partnerships in planning and construction between the federal government and private industry.

Today, we face the challenge of expanding the next generation of technology and energy infrastructures to under-served areas of the country, and bringing commercial benefits to citizens set apart by geographic, economic, and "digital" divides.

I serve as a member of the House Energy and Commerce Subcommittee on Telecommunications and the Internet.

As such, I have been exploring ways to facilitate the expansion of telecommunications infrastructure in my home state of Wyoming.

In doing so I became aware of a significant federal obstacle to infrastructure development nation wide.

Recent applications of the Federal Land Policy and Management Act (FLPMA) have resulted in exorbitant increases in fees to cross federal lands.

Telecommunications providers, particularly those building the next generation of fiber optic broadband infrastructure, have been specifically targeted for these fee increases, while other infrastructure providers have been put on notice of changes to come.

FLPMA requires that private uses of public lands pay a fair price for that privilege, a policy that protects the value of our federal lands, helps ensure that these resources continue to be available to and accommodating of a multitude of compatible uses.

Recent interpretations of FLPMA, however, have motivated policies which reach beyond the value of federal lands, attempting to associate the right to cross federal lands with the revenues generated by the use

of telecommunications technologies.

In the exercise of our public trust responsibilities, the federal government protects and preserves the public interest in our federal lands.

I am confident, however, that there is little public interest in turning our federal lands into toll booths or road blocks on the information superhighway, or along the path of any of our nation's critical infrastructures.

In 1999 and 2000, revisions to right-of-way rental fee schedules by the Bureau of Land Management (BLM) and U.S. Forest Service led to some fiber-optic telecommunications companies receiving fee increases of 100 to 150 times their previous annual bills.

Congress put a temporary halt to these interim revisions to existing right-of-way regulations in the FY 2001 Appropriations bill.

As the agencies proceed toward the rulemaking process required to change existing right-of-way fees, it is important that their responsibilities regarding the determination and collection of right-of-way fees be clear, and that we avoid a reiteration of the previous, misguided proposals.

A permanent solution must be found. Therefore, I have introduced H.R. 3258, the Reasonable Right-of-Way Fees Act.

H.R. 3258 clarifies the responsibilities we have to protect the value of federal lands, explicitly limiting fees we charge for rights-of-way to the value of those lands.

As a representative of the most rural state in the country, I recognize the tremendous value of the vast open spaces of our rural West, including lands managed by the federal government.

These lands should not become an obstacle to infrastructure development. Charging fair market value for the use of federal lands does not mean a share in the revenues associated with facilities crossing federal lands.

H.R. 3258 guarantees that federal lands will continue to be protected as valuable national resources, and ensures that these lands will not present unnecessary obstacles to infrastructure deployment and improvement.

Again, thank you Mr. Chairman for holding this hearing. I appreciate your support for this legislation and I look forward to hearing from the other witnesses.

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